

REMARKS

Claims 1-14 are pending in the application. Applicant thanks the Examiner for withdrawing the previous 35 U.S.C. 112 rejections. Claims 4, 5, 6, 10, and 11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Hall et al. U.S. Pat. Pub. No. 2001/0012281 (“Hall”) in view of Larkins U.S. Pat. No. 6,295,291 (“Larkins”). Claims 1-3, 9, and 12-14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins in view of Duncan et al., U.S. Pat. Pub. No. 2002/0107002 (“Duncan”). Claims 7 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Larkins in view of Duncan and in further view of Hall. Applicant respectfully traverses all rejections. Claims 1, 4, 5, and 12 are independent claims.

Applicant appreciates the Examiner’s comments in the Response to Arguments section on pages 16-20 of the Office Action. On page 17 of the Examiner’s Response to Arguments, the Examiner states that the web page does not display the operator-specific messages and settings as claimed by Applicant in claims 4 and 5. The Applicant’s specification, however, discloses that in some embodiments the personalized homepage for the user is dynamically generated when the OTA message with the configuration parameters is prepared. *See Paragraphs [0102]-[0105]* of the Applicant’s specification. From the home page, the user can access the applications and content. *See Paragraphs [0105] and [0137]*. In certain embodiments, configuration information may include configuration content associated with a mobile phone (*see Fig. 7*) and configuration settings associated with a mobile phone (*see Fig. 6*). Paragraphs [0020]-[0021]. Having access to web pages with applications and content associated with a mobile phone, the user may modify such configuration information based upon his or her preferences. Furthermore, the embodiment depicted in Figure 3 of the present applicant indicates that “dynamically generated content” may be rendered on the website. For the reasons set below, Applicant respectfully disagrees that a reasonable interpretation of the claim language leads to the Examiner’s conclusion that the references read on the claimed invention.

Independent claims 1, 4, 5, and 12 were previously amended to clarify that “the configuration information includes at least one setting of a mobile phone *communications* application.” (emphasis added) Applicant’s specification details the process of configuring particular communications settings needed for new services such as MMS, photo sharing, tribes,

and other third party services such as games, and premium contact services. *See Paragraph [0075].* Settings for such mobile phone communications applications are represented in Figure 6 according to some embodiments. It is further explained that the mobile phone may need to have certain data configured, such as WAP, MMS, operator, emailing and management settings. *See Paragraph [0074]-[0075].* Configuration of a mobile phone, as used in the present invention, includes setting certain parameters on the device such as WAP gateway settings, IP address, data communication accounts, connection type, user identification, password, and DNS settings. *See Paragraph [0101].* It is this initial set-up and configuration of current and next generation mobile phones that is frustrating for the user and costly for the operator. As such, the present invention provides the solution of over the air configuration (OTA) technology which will configure the mobile phone settings in a single keystroke. Through the use of a personalized webpage, an user may access and change such settings of his or her mobile phone communications applications. *See Paragraph [0102] -[0105].*

None of the cited references teach or suggest configuration of mobile phone communications applications as claimed. While the applications in the present invention relate to mobile phone communications, the applications in Hall (such as clock or calendar displays) do not relate to communication services. Indeed, Hall discloses describes how a user can select or deselect simple applications that may be displayed, or not displayed, on a mobile phone. *See Paragraph [0016].* Such applications may be easily turned on and off without needing to configure their settings. As such, Hall fails to teach or suggest mobile phone communications applications which have various parameters that need to be set. Moreover, Hall fails to disclose the necessary configuration or modification of such settings for communications applications. Thus, Hall fails to disclose configuration information that includes settings for communications applications.

Nevertheless, claims 1, 4, 5, and 12 has been amended to reflect that the mobile phone communications applications have various settings that need to be configured by the user. In particular, the phrase “the mobile phone comprises at least one mobile phone communications application that includes a plurality of required user-configurable communications settings” has been added to the independent claims. Support for these amendments can be found, *e.g.*, in Paragraphs [0101]-[0102] of Applicant’s specification.

The other references, Larkin and Duncan, do not cure the defect relating to Hall's failure to disclose configuration information for mobile phone communication application that include various parameters to be set. Larkins fails to disclose any *application* for a mobile phone, much less a communications application as claimed. Larkins simply tracks subscribers' registration and service plan. *See e.g.* Col. 2 Lines 54-56. Larkin uses a billing system and an authentication center to collect data in order to verify which services should be enabled. *See* Col. 4 Lines 62-66; and Abstract. The parameters transmitted in Larkin merely include authentication information such as directory numbers. *See* Col. 3, lines 33-41. As such, Larkins fails to teach or suggest a communications setting for a mobile phone communications application. Duncan also fails to disclose such configuration information as it merely discloses a webpage with a link of further information. *See e.g.* Claim 1. Because the cited references fail to teach or suggest configuration information for communication applications, the present invention is distinguished.

Applicant also believes that the present invention is patentable because the combination or modification of the references is not obvious. Specifically, it would not be obvious to modify the teachings of Hall with those of Larkins to provide access to a website via a mobile phone instead of a computer. Although Larkins discloses a radiotelephone with a web browser, Hall clearly limits itself to the situation where an "user can access the web page from a personal or business *computer*." *See* Hall's [0013] and Abstract. While Hall allows mobile phone users to select display preferences from a simulation on a webpage viewable on a computer, the present invention allows users to access and change a mobile phone's configurations using a web page displayed on the mobile phone itself.

Hall does not disclose the use of mobile phones to access web pages. Contrary to the Examiner's assertion on page 19 of the pending Office Action, Hall's mention of a smartphone fails to provide an enabling disclosure of a webpage displayed on a mobile phone. The Examiner's language defining a smartphone appears to be taken from Wikipedia, which goes on to explain in the subsequent sentence that "there is no industry standard definition of a smartphone." *See* http://en.wikipedia.org/wiki/Smartphone#cite_note-0. Hall does not teach or suggest websites accessible via mobile phones, much less a webpage that displays configuration information via the mobile phone itself. Indeed, Hall discloses a simulated mobile phone display on the monitor of a computer (referenced as 24); but not a webpage displayed on a mobile phone (referenced as

12). The Examiner further argues that Hall describes the capabilities of a mobile phone as a wireless computer with telephone capabilities; however, the disclosure does not sufficiently explain that a mobile phone may have the specific capability to displaying a website.

Moreover, Applicant believes that the other two references cited fail to provide any motivation to enhance the experience of mobility by allowing users to personalize and configure their mobile phone communications applications via a mobile phone's webpage based on information associated with the phone itself. Larkins merely discloses a website that allows a subscriber to update a service plan relating to billing information and authentication information. While it may teach transmitting billing and authentication information in order to subscribe users to a service, Larkins fails to teach or suggest configuring a phone's settings via a webpage that displays the phone's information. Duncan also does not relate to the configuration of settings as it simply discloses a personalized web page which contains links that merely provide access to additional information like any other browser is capable of providing. Duncan fails to teach or suggest that a mobile phone's information may be displayed via the phone's webpage, much less configured. Larkins and Duncan both fail to disclose transmitting configuration information to a mobile phone using information associated with the mobile phone and the user's preferences. As such, Applicant respectfully believes that one would not have been motivated to modify Hall, Larkins and Duncan.

A patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. KSR Int'l Co. v. Teleflex, 127 S.Ct 1727, 1741 (2007). The factfinder should be aware of the distortion caused by hindsight bias. KSR Int'l Co. v. Teleflex, 127 S.Ct at 1742. In determining whether a claimed invention is an obvious combination of prior art references, it must be shown that there is an apparent reason to combine the known elements in the fashion claimed. Id. at 1741. The Examiner has not advanced a sufficient rationale as to why a person skilled in the art would have been motivated to combine Larkins, Duncan and Hall in the manner described in the present Office Action.

Further, it is well established that, in order to show obviousness, all limitations must be taught or suggested by the prior art. In Re Royka, 180 U.S.P.Q. 580, 490 F.2d 981 (CCPA

1974); MPEP § 2143.03. It is error to ignore specific limitations distinguishing over the references. In Re Boe, 184 U.S.P.Q. 38, 505 F.2d 1297 (CCPA 1974); In Re Saether, 181 U.S.P.Q. 36, 492 F.2d 849 (CCPA 1974); In Re Glass, 176 U.S.P.Q. 489, 472 F.2d 1388 (CCPA 1973). Moreover, the Court of Appeals for the Federal Circuit has consistently held that where a claim is dependent upon a valid independent claim, the independent claim is *a fortiori* valid because it contains all the limitations of the independent claim plus further limitations. See, e.g., Hartness Intern. Inc. v. Simplimatic Engineering Co., 819 F.2d 1100, 1108 (Fed. Cir. 1987). Because the claims recite limitations not taught or suggested by the prior art, Applicant asserts that the independent claims, and their dependent claims, are patentable. It is respectfully submitted that the §103 obviousness rejections must be withdrawn.

It is submitted that claims 1-14 are in condition for allowance, and Notice to that effect is respectfully solicited. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, she is courteously requested to contact applicant's undersigned representative.

AUTHORIZATION

The Commissioner is authorized to charge any additional fees associated with this filing, or credit any overpayment, to Deposit Account No. 50-2638. If an extension of time is required, this should be considered a petition therefor.

Respectfully submitted,

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